IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22066 of 2004

Between:

G. Adi Lakshmamma, W/o. Venkataiah,
R/o. Thimmasettypalli(V), Koduru (M), Kadapa District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Koduru (M), Kadapa District.
2 The Panchayat Secretary, Thimmasettypalli- Grampanchayat, Koduru (M), Kadapa District.
3 The Inspector of Police, Koduru Circle, Koduru, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in demanding the petitioner to vacate the house bearing H. No. 22-10 of Thimmasettypalli Village and from the site of about Ac. 0.05 cents in Sy.No. 1611 of Anantharajpet revenue village is illegal, irregular and violative of Art : 14, 21 and 300 A of the constitution of India and also the provisions of A P Panchayatraj Act and the Land Encroachment Act and consequently direct the respondents not to evict her from the said property.

For the Petitioner: MR.SATYANARAYANA NIMMAGADDA, Advocate

For the Respondent No.1: GP FOR REVENUE

For the Respondent No.2: Mr. Dantu Srinivas, Advocate

For the Respondent No.3: GP FOR HOME

The Court at the stage of admission made the following :

ORDER:

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Heard the learned counsel for the petitioner.

The grievance of the petitioner is that the respondents, without following the due process of law and without giving any prior notice to him, are attempting to evict him from the house bearing No.22-10 of Thimmasettypalli Gram Panchayat and also from the land in an extent of Ac.0-05 cents in survey No.1611 of Anantharajpet revenue village, Koduru Mandal of Kadapa District, which is under his possession from a long time. Assailing the impugned action of the respondents, he filed the present writ petition.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition in the following terms:

The respondent shall not evict the petitioner from the property in question without following the procedure contemplated under. However, it is made clear that if the respondents have already followed the due procedure, they are at liberty to take steps in evicting the petitioner from the property in question.

The writ petition is accordingly disposed of at the stage of admission. No costs.

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N.V. RAMANA, J

Date: 30-11-2004

Note:

Issue wire at party's costs.

(BO)

Svv/Mrb

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To

1 The Mandal Revenue Officer, Koduru (M), Kadapa District.
2 The Panchayat Secretary, Thimmasettypalli- Grampanchayat, Koduru (M), Kadapa District.
3 The Inspector of Police, Koduru Circle, Koduru, Kadapa District.

4. Two CCs to G.P for Revenue, High Court Buildings, Hyderabad(OUT)

5. Two CCS to Govt. Pleader for Home, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.